

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 325 – HB 234

March 28, 2011

SUMMARY OF AMENDMENT (005317): Deletes the original bill. Prohibits pharmacies from selling more than three- and six-tenths grams per day or more than nine grams per thirty-day period of non-exempt methamphetamine precursors (ephedrine and pseudoephedrine base, or their salts, isomers, or salts of isomers) to the same person. Requires pharmacies to maintain an electronic record and submit information about the sale of over-the-counter non-exempt methamphetamine precursors to the National Precursor Log Exchange (NPLEx) prior to completing the sale. Prohibits pharmacies from completing the sale if NPLEx generates a stop sale alert indicating that completion of the sale would result in violation of the established quantity limits, unless a reasonable fear of imminent bodily harm is present. Authorizes only law enforcement officials, health care professionals and pharmacists to use the data entered into NPLEx, and only for controlling the sale of methamphetamine precursors. Prohibits any person that violates the provisions of this bill and is placed on the methamphetamine registry from purchasing a non-exempt product for the entire seven years the person is required to be on the methamphetamine registry. Creates a Class A misdemeanor for any person who knowingly sells or delivers a non-exempt substance to a person on the methamphetamine registry and for any person who purchases or attempts to purchase a non-exempt substance while such person is on the methamphetamine registry. Creates a Class A misdemeanor, punishable by fine only of \$500, for any person who: sells, attempts to sell, or possesses a non-exempt product with the intent to sell it to another for a non-medical use or unlawful purpose; purchases or attempts to purchase the product for another, or possesses the product with the intent to deliver it to another for a non-medical use or unlawful purpose; or purchases the product at different times or locations or uses a false identification to purchase the product for the purpose of circumventing the quantity limits on the amount that can be purchased during a one-day or 30-day period. Requires any such person to be placed on the methamphetamine registry. Prohibits any such person from purchasing a non-exempt product for the entire seven years the person is required to be on the registry.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

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Assumptions applied to amendment:

- By January 1, 2012, each pharmacy in the state will have in place and operational all equipment necessary to access and use the NPLeX system. The system will be available to pharmacies without a charge for accessing the system.
- According to the Department of Health, rule-making and any resulting disciplinary action against pharmacies that violate the provisions of this section can be accomplished during regularly scheduled Board of Pharmacy meetings and will not result in a significant increase in state expenditures.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. The Board had a balance of \$74,641.74 in FY09-10 and a deficit of \$59,776.49 in FY08-09. As of June 30, 2010, the Board's cumulative balance was \$276,649.24.
- Any expenditures incurred by the Tennessee Bureau of Investigations (TBI) to devise a method by which judgments sent from the court clerks to the Bureau concerning applicable methamphetamine convictions may be accessed by the administrators of NPLeX so persons convicted of applicable methamphetamine offenses are prohibited from purchasing non-exempt products at the point-of-sale using the NPLeX system are estimated to be not significant.
- The cost to state and local courts for sending judgments to TBI will be not significant.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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